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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,827	10/26/2001	David Kristich	001196.000003	7846

7590 09/03/2003  
Kevin R. Spivak  
Morrison & Foerster LLP  
1650 Tysons Boulevard  
Suite 300  
McLean, VA 22102

EXAMINER

KIM, TAE JUN

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 09/03/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/055,827

Applicant(s)

KRISTICH ET AL.

Examiner

Ted Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 19, 23, 25, 27, 29, 30 (page 6, line 10), C (page 7, line 3). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 40, 60, 60A, 60B, 119. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Due to the nature and number of discrepancies and/or omissions from the drawings and specification, the Examiner requests that they be carefully reviewed and corrected for anything not specifically identified above. As a further example, the “??” in Fig. 2 should be addressed. In the drawings, the air inlet should also have its own element number.

### *Specification*

4. The disclosure is objected to because of the following informalities: element 30 is used to designate both a duct (page 6, line 10) and a bearing (page 6, line 19).

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Also on page 4, line 11, "Figure 6" is questionably --Figure 5-- and on page 6, line 13,

"Winfrey" should be --Whitney--.

Appropriate correction is required.

5. The specification is also objected to for failing to have any description of Fig. 4.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (6,334,746) in view of Pilarczyk (4,057,371) and Mitchell (3,791,682). Nguyen et al teach a mobile, trailer mounted power generation system comprising: a gas generator and turbine 14 interconnected with the gas generator to receive combustion gases and rotate a turbine shaft in response thereto; an electrical generator 16 rotating with the turbine shaft 70; a trailer body 12 having a floor on which the gas generator, free turbine and electrical generator are mounted, end and side walls and a roof are not shown but would be inherently present to protect the components from the elements; the gas generator, turbine and electrical generator each having a longitudinal axis about which their components rotate during their operation which are longitudinally aligned along a common axis along the longitudinal extend of the floor of the trailer body; the trailer body having an air inlet

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near one end 34 for passage of the air to the gas generator; the free turbine having an elbow shaped exhaust for exit of the combustion gases; and the trailer body having a combustion gas outlet formed in a side portion thereof for exit of the combustion gases (unlabeled, but readily apparent in Figs. 1&2 in the vicinity of the left portion of the shaft 70). Nguyen et al teach a general turbine/gas generator set 14 but do not specifically the gas turbine employs a separate free turbine. These types of free turbine gas generator designs are notoriously commonplace in the art, as exemplified by Pilarczyk, who teaches a gas generator/turbine set with a free power turbine 56 (see col. 4, lines 48+). It would have been obvious to one of ordinary skill in the art to employ a free turbine gas generator, for the turbine of Nguyen et al, as a well known type of gas turbine with a power output shaft driven directly by the free/power turbine. As for the walls/roof of the trailer, these are believed to be present but not illustrated. In any event, Mitchell teach a trailer mounted turbine driven electrical generator set with walls and roof 22, 26. It would have been obvious to one of ordinary skill in the art to employ walls and a roof, in order to protect the turbine set from the elements. As for the turbine being the UGT 2500 or FT-4 or the FT-4, these are well known types of gas generators/turbines used for power generation and it would have been obvious to one of ordinary skill in the art to employ, as conventional models used in the art.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ted Kim whose telephone number is 703-308-2631. The Examiner can be reached on regular business hours before 5:00 pm, Monday to Thursday and every other Friday.

The fax numbers for the organization where this application is assigned are 703-872-9306 for Regular faxes and 703-872-9306 for After Final faxes.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe, can be reached on 703-308-0102.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of Technology Center 3700, whose telephone number is 703-308-0861.

General inquiries can also be directed to Technology Center Customer Service Office at 703-306-5648 or the Patents Assistance Center whose telephone number is 800-786-9199. Furthermore, a variety of online resources are available at

<http://www.uspto.gov/main/patents.htm>

  
\_\_\_\_\_

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